

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Juan L. Mozqueda-Leon,

Plaintiff,

v.

American Builders & Contractors Supply Co.,
 Inc.; et al.,

Defendants.

Case No. 2:22-cv-00594-RFB-DJA

Order

Before the Court is a stipulation to stay discovery deadlines for forty-five days, to extend discovery deadlines, and to move a hearing. (ECF No. 39). The Court finds that a stay of discovery is appropriate in this case under the two-step analysis in *Scharder v. Wynn*, No. 2:19-cv-02159-JCM-BNW, 2021 WL 4810324, at *4 (D. Nev. Oct. 14, 2021). That analysis provides that a Court may grant motions to stay discovery when a dispositive motion is pending if: (1) the dispositive motion can be decided without further discovery; and (2) good cause exists to stay discovery. *Id.* Additionally, courts have “wide discretion” in controlling discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988).

Here, prong one is inapplicable, but the parties satisfy prong two. The parties do not seek the stay pending a dispositive motion. Rather, they explain that a stay is necessary because of counsel’s serious health issues and pending surgery. This explanation fulfils the second prong. The Court thus finds that a stay would accomplish the objectives of Rule 1: a just, speedy, and inexpensive determination of the action. *See* Fed. R. Civ. P. 1.

The parties also seek to move the pending discovery deadlines forty-five days to accommodate the stay and to reschedule the hearing scheduled for February 6, 2023 to a date after the stay. Under Local Rule 26-3, a motion to extend a date set by the discovery plan or

1 other order must be supported by good cause. The Court finds that the parties have demonstrated
2 good cause for both.

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4 **IT IS THEREFORE ORDERED** that the stipulation to stay discovery (ECF No. 39) is
5 **GRANTED.** Discovery shall be stayed for forty-five days and resume on **March 20, 2023.**

6 **IT IS FURTHER ORDERED** that the below deadlines shall govern discovery once it
7 resumes:

8 Discovery cutoff: July 14, 2023

9 Dispositive motions: August 14, 2023

10 Pretrial order:¹ September 14, 2023

11 **IT IS FURTHER ORDERED** that the hearing scheduled for February 6, 2023 is
12 rescheduled for **March 28, 2023 at 10:00 AM in Courtroom 3A.**

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14 DATED: February 1, 2023

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17 DANIEL J. ALBREGTS
18 UNITED STATES MAGISTRATE JUDGE
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27 ¹ Under Local Rule 26-1(b)(5), “[i]f dispositive motions are filed, the deadline for filing the joint
28 pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.”